

1 HANSON BRIDGETT LLP
2 KURT A. FRANKLIN, SBN 172715
kfranklin@hansonbridgett.com
3 SAMANTHA WOLFF, SBN 240280
swolff@hansonbridgett.com
4 JENNIFER ANIKO FOLDVARY, SBN 292216
jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
8 TYSON M. SHOWER, SBN 190375
tshower@hansonbridgett.com
9 LANDON D. BAILEY, SBN 240236
lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
13 VICTOR OTTEN, SBN 165800
vic@ottenlawpc.com
14 KAVITA TEKCHANDANI, SBN 234873
kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.

19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

27 Plaintiffs,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JASON
GERSCH IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. S. James Otero
Date: February 21, 2017
Time: 10:00 a.m.
Crtrm.: 10C

1
2 v.
3

4 LUNADA BAY BOYS; THE
5 INDIVIDUAL MEMBERS OF THE
6 LUNADA BAY BOYS, including but
7 not limited to SANG LEE, BRANT
8 BLAKEMAN, ALAN JOHNSTON
9 AKA JALIAN JOHNSTON,
10 MICHAEL RAE PAPAYANS,
11 ANGELO FERRARA, FRANK
12 FERRARA, CHARLIE FERRARA,
13 and N. F.; CITY OF PALOS
14 VERDES ESTATES; CHIEF OF
15 POLICE JEFF KEPLEY, in his
16 representative capacity; and DOES
17 1-10,

18 Defendants.

19 Complaint Filed: March 29, 2016
20 Trial Date: November 7, 2017

21 I, Jason Gersch, declare as follows:

22 1. I live in San Pedro with my wife and two children. I work for the
23 City of Torrance as a senior welder. I have personal knowledge of the facts
24 set forth herein, except as to those stated on information and belief and, as
25 to those, I am informed and believe them to be true. If called as a witness, I
26 could and would competently testify to the matters stated herein.

27 2. I learned to surf in Torrance, California. I graduated from North
28 High School in Torrance in 1995. Growing up, I primarily surfed an area
1 called "the Avenues" in Redondo Beach. As my surfing progressed, I
2 started to hear about different spots in Palos Verdes and how good they
3 were. We could see these places from where we surfed in Torrance and
4 Redondo Beach. I also used to surf 2nd street in Hermosa Beach. I heard
5 that Lunada Bay was localized and that outsiders should avoid going there.
6 Visitors could expect taunts, physical threats, dangerous activity in the

1 water, and/or damage to your property.

2 3. Around 1992 or 1993, my friend Sean and I decided to check out
3 Lunada Bay. We drove to the Bay and parked on Paseo Del Mar. There
4 was no surf so we left without incident.

5 4. On another occasion around the winter of 1993, my friend Sean
6 and I went to check the surf at Lunda Bay. We parked on Paseo Del Mar,
7 but far down the street from what is knowns as the "goat trail." We were
8 worried about the car being vandalized so we took care to park away from
9 the trails leading to the beach. Attached as **Exhibit 1** is true and correct
10 copy of an aerial photograph of the area. I have put an "X" where we
11 generally parked. On this particular day, we were approached by two local
12 Bay Boys named Peter McCollum and Brant Blakeman. Attached as
13 **Exhibit 2** is a true and correct photograph of Mr. Blakeman. He is the
14 individual holding the camera. Attached as **Exhibit 3** is a photo of Mr.
15 McCullum.

16 5. A few months later, my friends Sean, Matt and I attempted to
17 surf Lunada Bay. We parked on Paseo Del Mar and got into our wetsuits on
18 the top of the bluff and proceeded down the goat trial. About half way down,
19 the locals started throwing rocks and dirt clods at us. We attempted to
20 protect our heads by using our surfboards as shields. Fearing for our safety,
21 we turned around and headed back to the car. The people who were
22 throwing the rocks and dirt clods were gone by the time we reached the car.
23 At this point, I was done trying to surf Lunada Bay. It was not worth the
24 hassle.

25 6. On November 5, 1995, I attended an event organized by Geoff
26 Hagins called "Take Back Our Public Beaches Day -- Surf Lunada Bay
27 Peaceful Protest," a public protest of localism in Palos Verdes. I met Geoff
28 that summer. He was upset because the PVE police never responded to the

1 localism issue. He felt the police were corrupt. The focus of the protest was
2 to demand equal access for everyone who wanted to surf Lunada Bay.
3 There was a large turnout; somewhere around a hundred people. However,
4 someone called in a bomb threat and the police made the protestors and
5 other spectators on the shoreline leave the beach. Attached as **Exhibit 4** to
6 this declaration is a true and correct screen shot from a local television news
7 cast where I can be seen. I was interviewed by several news stations and
8 was vocal about my experiences with the Lunada Bay Locals and the PVE
9 Police.

10 7. One evening in the summer 1996, I was checking the surf with
11 some friends at the top of Bluff Cove in Palos Verdes Estates and we were
12 approached by a PVE police officer. It was around 5:00 pm. The officer
13 asked what we were doing. I responded by stating "checking the surf," and
14 the officer demanded to see our drivers' licenses. The officer then stated
15 "you are a long way from home" and "it's getting late so you need to leave."

16 8. After I appeared on television at another Lunada Bay protest
17 organized by Geoff Hagins in 1996, I was detained by PVE police while
18 attending a house party in Lunada Bay. I think this was in the summer of
19 1996. I was held at the Police Station but not charged. I was released after
20 a couple hours and told him to "walk towards Torrance." I was not permitted
21 to use a phone.

22 9. Having experienced localism at Lunada Bay over the years, I am
23 frustrated and discouraged by the way the City of Palos Verdes Estates and
24 the police have handled it. Until just recently, City officials have publicly
25 stated that the Bay Boys and localism were an "urban legend." I would like
26 to be able to visit Lunada Bay to surf without fear of physical and verbal
27 attack or the hassle of dealing with the Bay Boy bullies. I would like to be
28 able to visit the Lunada Bay bluff, shoreline, and water to explore and surf

1 without fear of having my car vandalized. I want the Bay Boys and other
2 locals to be barred from using this beach for sufficient time to change
3 attitudes and to give access to the beach back to the public.

4 10. I want the City of Palos Verdes Estates to enforce its ordinances
5 fairly and for it to provide signage so people will know Lunada Bay is a
6 public beach. I want the City of Palos Verdes Estates to improve amenities
7 in a fashion that makes it safer, provides improved access to all beachgoers,
8 and is both consistent with this rural spot, the California Coastal Act, and
9 state and federal law. For example, access trails to the shoreline should be
10 clearly marked to make it safer for people visiting to navigate down to the
11 shoreline. And no person should be allowed to block the access trails or to
12 intimidate visitors on the bluff top, on the shoreline, or in the water. I want
13 Palos Verdes Estates police to be available to help when people are
14 unlawfully excluded. In short, I want to be able to visit Lunada Bay without
15 being harassed. And if I am harassed, I want the City of Palos Verdes
16 Estates police to take my complaints seriously.

17 I declare under penalty of perjury under the laws of the United States
18 of America that the foregoing is true and correct.

19 Executed in Torrance, California on December 28, 2016.

Jason Gersch
JASON GERSCH

Exhibit 1

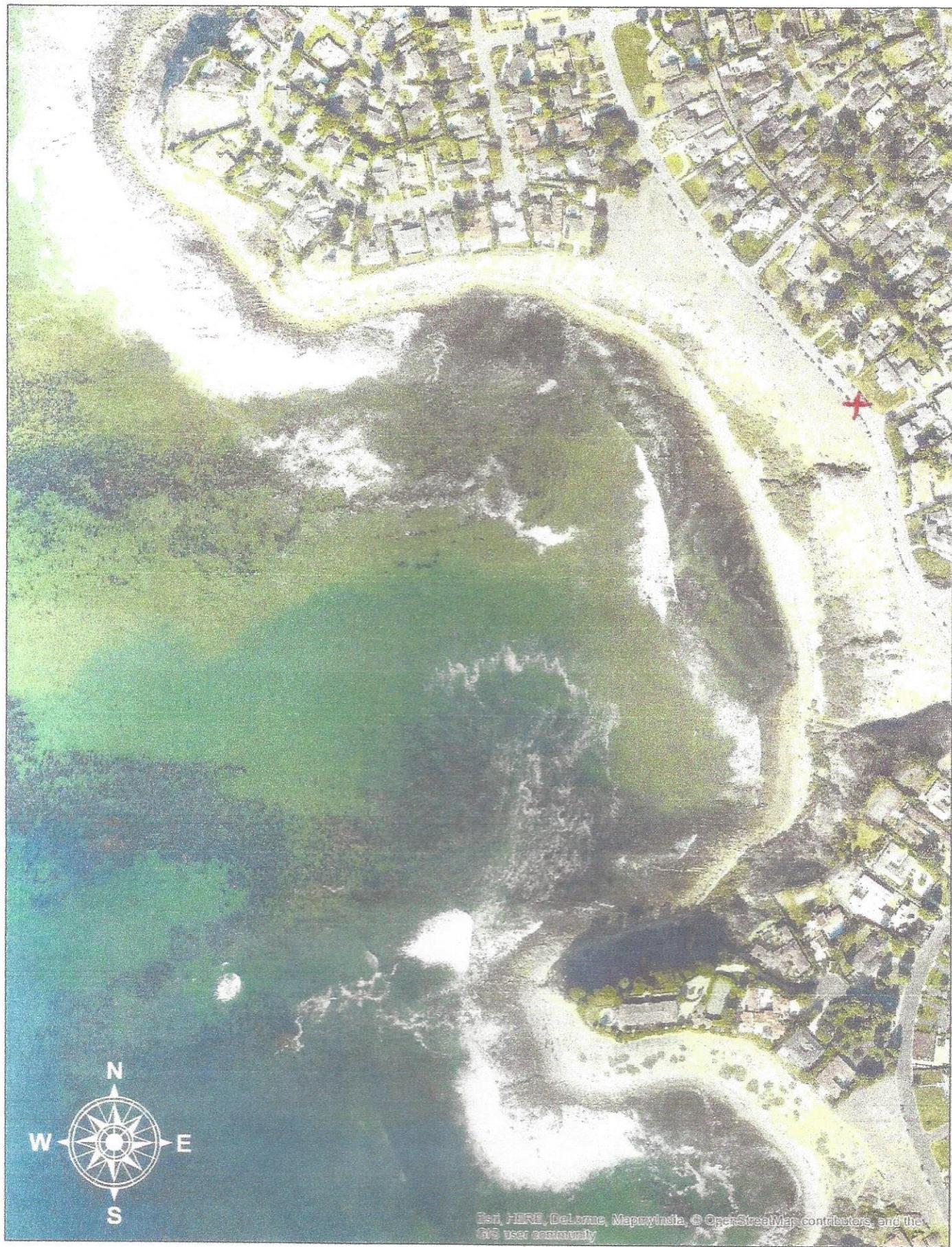


Exhibit 2

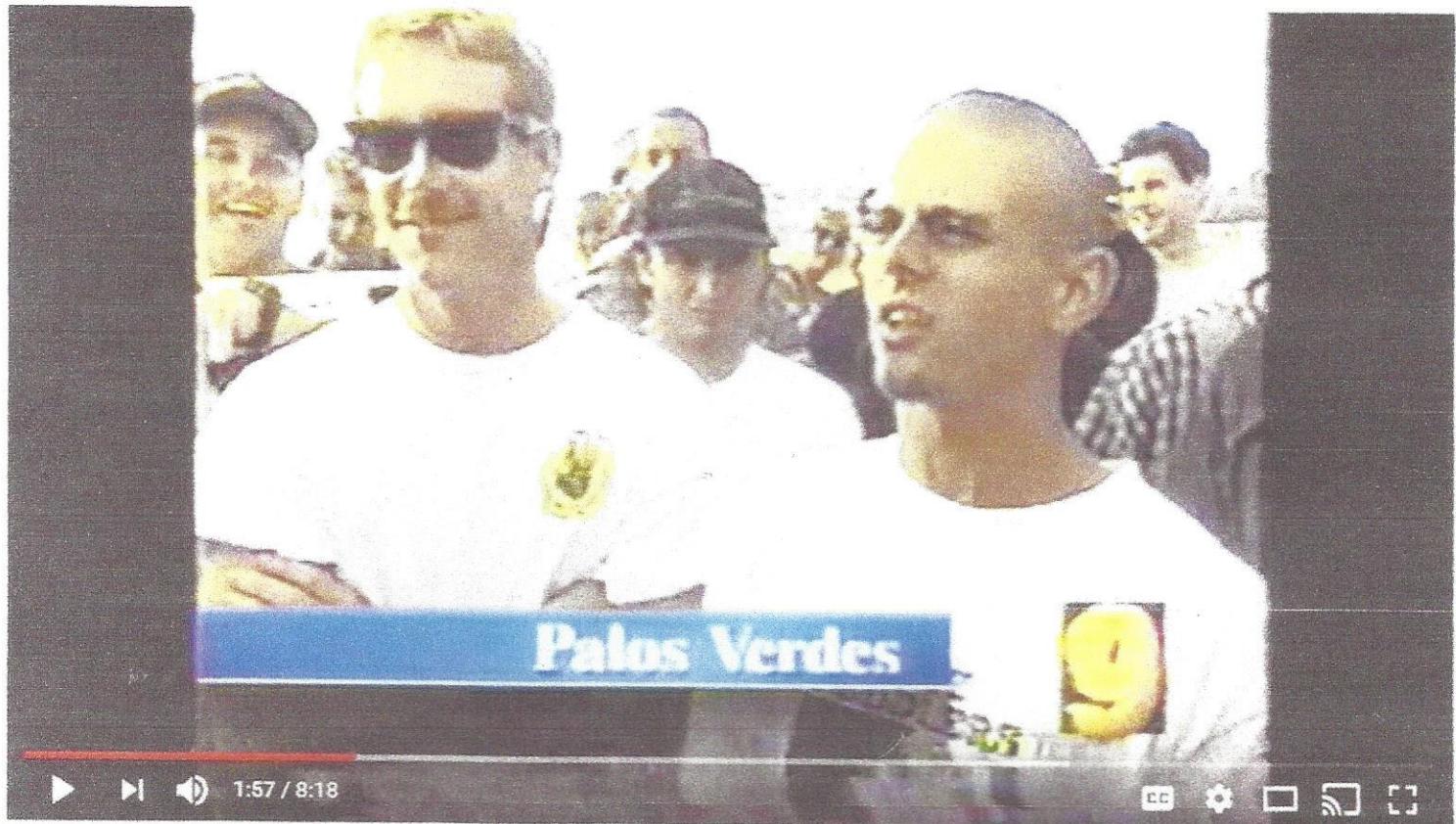


Exhibit 3



110

Exhibit 4



LUNADA BAY in PALOS VERDES CALIF 1995/96 Surf localism News
Stories